

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
MEDFORD DIVISION

SOFIA MARIA KENNEDY,

Case No. 1:20 cv 01121-CL
ORDER

Plaintiff,

v.

EQUIFAX INFORMATION
SERVICES, LLC; EXPERIAN
INFORMATION SOLUTIONS,
INC.; TRANSUNION LLC; BANK
OF AMERICA, N.A.; SELECT
PORTFOLIO SERVICING, INC.;
CALIBER HOME LOANS, INC.;
NATIONSTAR MORTGAGE, LLC
d/b/a MR. COOPER; RUSHMORE
LOAN MANAGEMENT SERVICES
LLC; DOES 1 through 100 inclusive,

Defendants,

AIKEN, District Judge.

Magistrate Judge Mark Clarke has filed his Findings and Recommendations (“F&R”) (Doc. 72) recommending that defendant Caliber Home Loans, Inc.’s Motion to Dismiss (Doc. 48) should be granted. This matter is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

No objections were timely filed. Although this relieves me of my obligation to perform a *de novo* review, I retain the obligation to “make an informed, final decision.” *Britt v. Simi Valley Unified Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983), *overruled on other grounds*, *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121–22 (9th Cir. 2003) (en banc). The Magistrates Act does not specify a standard of review in cases where no objections are filed. *Ray v. Astrue*, 2012 WL 1598239, *1 (D. Or. May 7, 2012). Following the recommendation of the Rules Advisory Committee, the Court review the F&R for “clear error on the face of the record[.]” Fed. R. Civ. P. 72 advisory committee’s note (1983) (citing *Campbell v. United States District Court*, 501 F.2d 196, 206 (9th Cir. 1974)); *see also United States v. Vonn*, 535 U.S. 55, 64 n.6 (2002) (stating that, “[i]n the absence of a clear legislative mandate, the Advisory Committee Notes provide a reliable source of insight into the meaning of” a federal rule).

The Court finds no clear error in Magistrate Judge Mark Clarke’s F&R. Accordingly, the Court adopts the F&R (Doc. 72) in its entirety. Defendant Caliber Home Loans Inc.’s Motion to Dismiss (Doc. 48) is granted and the Plaintiff’s case against Caliber is dismissed with leave to amend.

IT IS SO ORDERED.

Dated this 12th day of January, 2021.

/s/Ann Aiken
Ann Aiken
United States District Judge